
Introduced by Senator Torlakson

February 20, 2003

An act to amend Sections 25132 and 36900 of the Government Code, relating to local ordinances.

LEGISLATIVE COUNSEL'S DIGEST

SB 567, as introduced, Torlakson. Local ordinances: penalties for violation.

Existing law provides with respect to city and county ordinances that the violation of an ordinance is a misdemeanor unless the ordinance makes it an infraction. A violation determined to be an infraction is punishable by a fine not exceeding \$100, by a fine not exceeding \$200 for a 2nd violation of the same ordinance within one year, and by a fine not exceeding \$500 for each additional violation of the same ordinance within one year.

This bill would double the maximum amounts of those fines.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that the
- 2 following circumstances are present in many areas of California:
- 3 (a) Code enforcement continues to persist as a problem for
- 4 cities and counties and multiple local agency departments devote
- 5 personnel to code enforcement efforts.
- 6 (b) Code enforcement has become and remains a necessity as
- 7 rural areas are becoming more urbanized. With the increase in
- 8 population, citizens formerly living in rural areas are now seeing



1 their communities becoming increasingly developed and
2 urbanized. With these changes comes the expectation from the
3 citizenry for better property upkeep, which requires more action
4 from code enforcement.

5 (c) Increases of the California Price Index have nearly doubled
6 since 1983 and a correlating fine value, based on a \$100 fine in
7 1983, would need to be \$194.92 to have an equivalent value in
8 2001.

9 (d) In pursuit of better code enforcement case resolution,
10 enforcement has found that many violators now pay the fine but
11 do not resolve the code violation.

12 (e) Local agency records further indicate that after all the initial
13 fines, many owners of problem properties revert back to their same
14 practices in a short amount of time. Increased fines will help deter
15 those individuals from letting their properties revert back to an
16 unkempt state or using the property in violation of law.

17 (f) Code enforcement is complex and, therefore, there is a need
18 for many tools, including fines, to help and maintain an effective,
19 efficient, and responsive enforcement of codes.

20 (g) The code enforcement staff of cities and counties have
21 expressed a need for increased fines and that any increase should
22 provide uniformity among cities and counties.

23 SEC. 2. Section 25132 of the Government Code is amended
24 to read:

25 25132. (a) Violation of a county ordinance is a misdemeanor
26 unless by ordinance it is made an infraction. Such a violation may
27 be prosecuted by county authorities in the name of the people of
28 the State of California, or redressed by civil action.

29 (b) Every violation determined to be an infraction is punishable
30 by (1) a fine not exceeding ~~one hundred dollars (\$100)~~ *two*
31 *hundred dollars (\$200)* for a first violation; (2) a fine not
32 exceeding ~~two hundred dollars (\$200)~~ *four hundred dollars*
33 *(\$400)* for a second violation of the same ordinance within one
34 year; (3) a fine not exceeding ~~five hundred dollars (\$500)~~ *one*
35 *thousand dollars (\$1,000)* for each additional violation of the same
36 ordinance within one year.

37 SEC. 3. Section 36900 of the Government Code is amended
38 to read:

39 36900. (a) Violation of a city ordinance is a misdemeanor
40 unless by ordinance it is made an infraction. Such a violation may

1 be prosecuted by city authorities in the name of the people of the
2 State of California, or redressed by civil action.

3 (b) Every violation determined to be an infraction is punishable
4 by (1) a fine not exceeding ~~one hundred dollars (\$100)~~ *two*
5 *hundred dollars (\$200)* for a first violation; (2) a fine not
6 exceeding ~~two hundred dollars (\$200)~~ *four hundred dollars (\$400)*
7 for a second violation of the same ordinance within one year; (3)
8 a fine not exceeding ~~five hundred dollars (\$500)~~ *one thousand*
9 *dollars (\$1,000)* for each additional violation of the same
10 ordinance within one year.

